

# The Electoral Framework and Preparations for the Elections

## The Constitution

Following the Herdmanston Accord, a comprehensive review of the Constitution was undertaken, culminating in the Constitution (Amendment) Act 2000. Among other things, the Act provided for the establishment of a permanent Elections Commission to be responsible for the conduct and management of elections. It also validated the use of the new National Identification Card to replace the Voter Identification Card. Other provisions included:

- an 'overhanging seat' in the event, during the national count of the votes, that it is found that the votes for a seat in the geographical constituency are less than required for the quota for a seat on the national top-up list;
- that the Representative and Deputy Representative of the national top-up list may serve as Representative and Deputy Representative for each of the lists in geographical constituencies and Regional Democratic Councils (RDCs);
- for the votes of non-residents and the Disciplined Forces to be counted at one or two polling stations in each polling district mixed with votes of the same;
- to remove references that can easily identify the votes cast by the Disciplined Forces.

## Election Laws and Regulations

The Elections Laws (Amendment) Act 2000, provide for the regional allocation of seats for each of the ten regions. In all, the ten geographical constituencies were allocated 25 of the 65 seats. Seats were allocated to the parties by the application of the Remainder Principle of the PR system to the valid votes cast in the individual constituencies. The 40 seats not filled by the geographical constituencies were allocated to the parties in a manner to ensure that, together with the seats they won at the regional level, their representation in the National Assembly would reflect the overall percentage of the votes they won nationally. Each party put up a National Top-Up list of 40 headed by a presidential candidate and names were taken off the top-up list of each party according to the percentage of national votes won. A qualifying party had to contest at least six of the constituencies and at least 50 per cent of the seats; it was mandated that women should constitute one-third of the names on the list.

## Elections Commission

Responsibility for the management and conduct of elections, including voter registration, were vested in the Guyana Elections Commission (GECOM).

Following the passing of the Constitution (Amendment) Act 2000 (which abolished the previous three-man temporary Elections Commission), the Elections Commission is now permanent. The Commission comprises seven members, all appointed by the President. The Chairman is appointed from a list submitted by the minority leader in the National Assembly. Of the other six members, three are appointed by the President acting in his own deliberate judgement and three in accordance with the advice of the Minority Leader. In practice this means three Commissioners from the governing party and three from the opposition parties.

The composition of the Elections Commission, and the appointments process, though intended to foster confidence, in practice subjects it to interference and suspicion. This was most obvious during the period from the conclusion of nominations to the time of declaration of the official results. In our view the appointment and the management process of the Elections Commission should be completely reviewed so as to ensure its unfettered independence. The appointment of the Chairman and other members should be vested in Parliament. The provision of National Identification Cards, which have wider application beyond the electoral process, should not be the responsibility of the Elections Commission.

We found also that all election related work is highly centralised and is only activated at election time. It would be desirable in our view to decentralise the functions of the Commission, including the registration of electors.

## Electoral System

Guyana follows the Single List Proportional Representation (PR) system for electing its National Assembly of 65 seats. The 2001 elections were the first to be held under a new electoral system based on geographical representation and the Remainder Principle of PR, with a mandatory quota of women on the nomination list. The new system therefore has three components:

1. Geographical Constituencies: There are ten geographical constituencies, which coincide with the ten regions of Guyana and constitute the ten Electoral Districts. Twenty-five of the 65 seats in the National Assembly are allocated to the geographical constituencies, and are elected directly by PR. As previously for the national component, under this system voters cast their ballot for a party's list of candidates and seats are then allocated to parties on the basis of PR, a 'closed list' system which neither tells the voter whom she/he may vote for nor gives scope for the expression of a voter's preference.
2. The National Top-Up: The remaining 40 seats are allocated to the parties in proportion to the votes they receive in the entire country. These members do not represent a geographical region, but rather the whole country.
3. Mandatory Gender Representation: At least a third of the candidates on the lists representing the various political parties must be women.

It was brought to our attention that under the List system electors usually did not know who would represent them in Parliament, as these persons were chosen by the party leader. We urge that the system be reviewed in this regard.

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## Voter Registration

The Voters List 2000 was based on the database of 1996 which was used for the 1997 elections, and formed the basis for the National Register of Registrants (NRR) from which the Preliminary Voters List (PVL) was derived. On 31 January the Elections Commission published a Revised Voters List (RVL). Following a 21-day period, which was subsequently extended, for corrections to be made, the Final Voters List (FVL) was published on 5 March.

**'I'VE GOT A LITTLE LIST' . . .**  
copies of the Voters' List on display outside an election office in Georgetown: some of the pages were easily separated, causing frustration for people who wanted to check that their names were there. The voters' register was the subject of controversy throughout the process



The PNC/Reform, which disputed the validity of some 3,000 names, questioned the size of the PVL as well as the RVL. The Elections Commission said that their field tests showed that the National Register of Registrants was 93 per cent accurate and, as such, constituted a sound basis on which to formulate the PVL. The RVL contained 433,491 names, which were the names of those who appeared on the NRR and consequently on the PVL and subsequently had their particulars checked and their photographs taken for the National Identification Card process. It also included those persons whose names were not on the NRR and PVL, but who were of voting age, were not registered in 1996 and were registered during the Claims and Objections period, which included two extra periods for photography and registration.

The Final Voters List, which was published on 5 March, at the beginning of the mandatory 14-day period before election day, contained 438,940 names – a reduction of 99,293 names compared to the original list. An Addendum was published on 16 March, three days before the elections. It contained the names of 3,000 people to be added to the Official List of Electors (OLE).

## National Identification Card Process

A National Identification Card, used to facilitate voting and for wider applications, was introduced for the first time in the 2001 elections as the main form of identification. The main parties complained about different aspects of the process, including the production and distribution of the cards and the fact that, because they had no divisional number, regional distribution had been held up. The PNC/Reform also complained that production was

largely based on the RVL, the total number of which they believed was in excess of the actual voting population and to be inconsistent with the demographics of the country. The Elections Commission had initially stated that it would base production of the card on the FVL. However, the party argued that basing the production on the FVL would leave the production of the cards too late for its timely distribution – which proved to be the case eventually. To avoid disenfranchisement on this account, other acceptable forms of identification were later announced, including a valid passport or a recently expired passport (of not more than five years), special identity cards, the Master Registration Card (MRC) or an oath of identity.

## **Voter Education**

With the introduction of the new system of voting the Elections Commission made every effort to educate the voters, with the assistance of foreign experts. The Elections Commission produced an educational television advertisement about the voting mechanism which outlined the process that voters would go through when casting their votes at the polling station. The advertisement appeared on television screens frequently in the lead up to election day. On 19 March voters certainly appeared to understand the process.

The voter education road show appeared to have been well received as it toured the main population areas of Guyana, in particular by the young as it used dance and song to communicate the key messages about voting. This education process could be extended to the curriculum of the schools and also with the help of NGOs and other voluntary organisations as an ongoing exercise with the direct involvement of the Elections Commission. It was evident that the Commission had taken pains to educate the voters through electronic and print media. Yet there are areas, especially in the hinterland, where people do not have access to any of these.

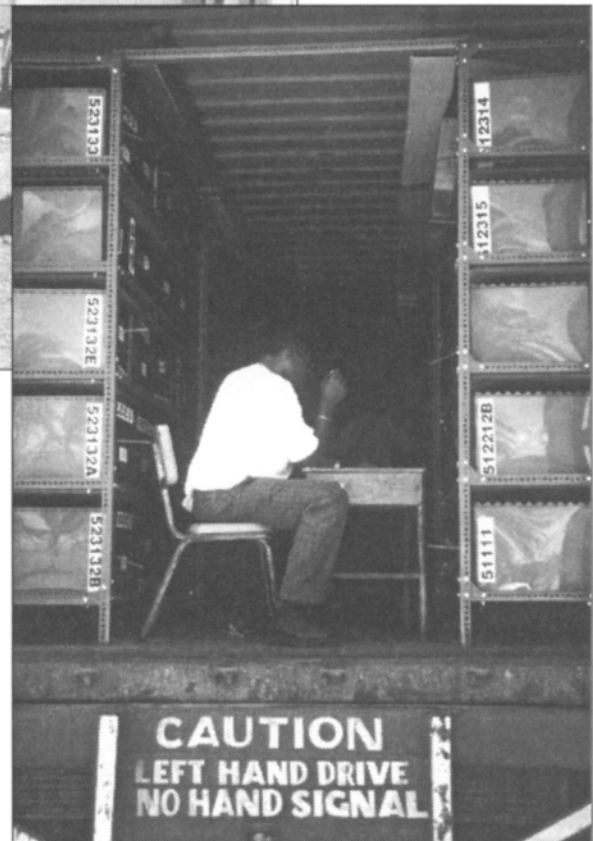
## **Selection and Training of Officials**

The recruitment and selection of election staff was done through advertising and screening. The Elections Commission conducted training for about 10,000 officials between 4 and 14 January, in Georgetown and at centres in each of the other nine administrative regions. The training of polling day staff continued until well into the election process. Although the quality of training was never in doubt some concern was expressed about the quality of those selected for training and the apparent lack of transparency in the process. In particular we were told that the process suffered frequently from political interference and influence, which sometimes resulted in less able polling staff being appointed. This often resulted in frustration among staff of the Commission's secretariat.

We found that the public service in Guyana has a reserve of educated people – a vital resource who can gain from ongoing training and should be readily available to work during the election period, as a national duty. We hope that this course of action would enable the Elections Commission to meet its obligations within the required time frame and free it from the enormous financial constraints which would otherwise apply.



**SIGNED, SEALED AND . . .** an Elections Commission container truck delivers ballot boxes to a Returning Officer in District Five. The Observers noted that elections in Guyana present a formidable logistical challenge, but that “generally the necessary items were present”



## Materials

The materials for the elections were distributed to the regions in such a manner that those furthest from Georgetown received their supplies first, with delivery to Georgetown and the rest of Region 4 being left until last. The delivery of the non-sensitive materials took place first with the delivery of the sensitive materials being delayed until the last possible moment. The police were present at all stages.

Regional Returning Officers were responsible for the allocation of supplies to the individual polling stations and for the security of all materials delivered to them. Except for the remote areas, Presiding Officers collected the ballot boxes, supplies and equipment from the Returning Officer in the early hours of 19 March.

There were some reports of the non-delivery of some materials to polling stations. Where deficiencies were found, remedial action was taken either before the poll opened or shortly after.

## Nominations

The nomination of candidates took place on 15 February. Thirteen political parties registered to contest the elections. However, following scrutiny by the Elections Commission, two of the smallest parties – God Bless Guyana and Horizon and Star – were disqualified and failed in their legal action seeking reinstatement. (The 11 parties which contested the elections are listed on pages 8 and 9.)

The GAP-WPA, PNC/Reform, PPP/Civic and TUF contested the national and regional elections in all the regions of Guyana. No adverse comments were made about the nomination process.

## Observers

In addition to the Commonwealth Observers, there were about 130 other international observers from the European Union, the Caribbean Community (CARICOM), the Organisation of American States (OAS), the Carter Center and a Long-Term Observer Group. International observers were deployed in all the regions of Guyana, with the strongest presence in Georgetown and the rest of Region 4. It is estimated that international observers attended over half of the polling stations on polling day. Several meetings were held with the other groups to exchange information.

Many Guyanese saw value in the presence of international observers. People knew that we were there not to interfere but to observe and help engender a climate of confidence in the process. However some people expected the observers to intervene on their behalf. Against the background of the published Electoral Code of Conduct (see *Annex IX*) others, including sections of the media, felt that observers had a duty to speak out against any unacceptable conduct that came to their notice during the election period. While we do not see any reason to change Commonwealth practice – which is held in high regard, including in Guyana – we note the need for better public education on the role of observers both in Guyana and other countries of the Commonwealth.

## Issues Prior to the Poll

The Final Voters List was published on 5 March 2001 with 438,940 on the roll. There was dismay as some failed to find their names on the list. The PNC/R called it a national disappointment and called for an emergency measure to improve the level of accuracy. The two main political parties complained that corrections which were listed by the Commission to be done on the Revised Voters List (RVL) had not been included in the OLE. They also complained about the allocation of electors to the wrong sub-divisions, incomplete transfers, and about the absence from the OLE of some names which had appeared in the RVL but had not been listed for any corrections.

As election day approached the inaccuracies in the Official List of Electors and the corresponding lag in the production and distribution of the National Identification Cards became even more evident as some feared they might be disenfranchised. Although the Elections Commission was confident that it had achieved 95 per cent accuracy, and had promised that any valid omissions

would be reflected in the supplementary Addendum, in such a small voting population and in such a deeply polarised country, all this was of little comfort. The arrest of a recently bailed talk show host who had urged his listeners to go to the Elections Commission headquarters and protest about their identity cards, and the rough handling of his wife who was also arrested – for incitement and breach of public peace – raised the political temperature.

However passions cooled somewhat as the Commission announced alternative forms of identification and gave the assurance that no one would be disenfranchised whose name appeared on the official register of electors. The Disciplined Forces vote on 12 March – a dry run for the extensively revised system – strengthened some of the fears about disenfranchisement. And though the Elections Commission appeared to retain much of its public goodwill, the process it had managed and supervised came under increasing criticism. There were growing calls for an independent audit of the Commission's database system. Some called for the postponement of the elections to enable the Commission to sort out the outstanding difficulties and the President said that if the Elections Commission tabled such a request the parties would have to adjust accordingly. The PNC/R and some of its allies among the smaller parties contemplated a boycott but decided against it. Most importantly, the Guyanese people began to see signs of a repeat of the post-election riots of 1997 and feared the worst. In view of these fears, the idea of moving away from winner-takes-all politics concentrated the mind and many, including the political parties, espoused different degrees of a new inclusive politics.